

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KRISTEN THORNTON, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JOHN THORNTON,

Respondent-Appellant.

UNPUBLISHED

March 1, 2005

No. 257304

Muskegon Circuit Court

Family Division

LC No. 03-032328-NA

Before: Talbot, P.J., Whitbeck, C.J., and Jansen, J.

PER CURIAM.

Respondent John Thornton appeals as of right from the June 17, 2004, order terminating his parental rights to the minor child (d/o/b 8/11/03), pursuant to MCL 712A.19b(3)(g) (failure to provide proper care and custody), (j) (reasonable likelihood that child will be harmed if returned to parent's home), (k)(iii) (parent abused the child), and (n)(ii) (parent convicted of crime involving force).¹ We affirm.

I. Basic Facts And Procedural History

The FIA filed the initial petition on September 15, 2003, when the minor child was approximately one month old. The petition alleged that the minor child's maternal grandmother took her to the hospital on September 13, 2003, after observing a scab on the minor child's nose and blood in the whites of her eyes. The minor child was admitted to the hospital for observation and was found to have four or five broken ribs.

The FIA filed an amended petition on September 22, 2003 requesting the termination of Thornton's parental rights. The amended petition alleged that Thornton admitted to the police that, after becoming angry with the minor child because she would not stop crying, he "bear hugged" her for two to three minutes in an effort to stop her from crying. Thornton told the police that the minor child stopped crying and made a squeaking noise while he was squeezing

¹ The trial court also terminated the parental rights of the minor child's mother, Brittani McNitt, but she has not filed an appeal.

her, but that she continued to cry when he stopped squeezing her. Thornton also admitted to having an anger problem. The amended petition further alleged that Thornton was arrested and charged with second-degree child abuse.

The trial court authorized the petition after a hearing on September 15, 2003. On May 12, 2004, the FIA filed a supplemental petition requesting that the court terminate Thornton's parental rights under MCL 712A.19b(3)(g), (j), (k)(iii), and (n)(ii). Thereafter, at a hearing on June 14, 2004, Thornton indicated that he wished to make a plea of admission to the allegations in the petition requesting termination of his parental rights. The trial court advised Thornton regarding the rights he would be giving up by admitting the allegations in the petition, and Thornton indicated that he understood the consequences of entering a plea of admission. Thereafter, Thornton admitted that (1) he caused serious injury to the minor child by fracturing at least five of her ribs, (2) as a result of the injuries, he was convicted of second-degree child abuse, and (3) he failed to provide proper care and custody for the minor child over time. The trial court then made the following findings on the record:

The Court finds here that there is clear and convincing evidence that a statutory basis exists for terminating the parental rights of John Thornton, father of [the minor child]. Specifically there is, by Mr. Thornton's admission, physical abuse that resulted in his conviction to the felony child abuse second degree. That there is, by his admission, failure to provide proper care and custody of this child, and this Court is of the opinion that there is no reasonable expectation that he would be able to provide that proper care and custody within a reasonable time. Further based upon the admissions of Mr. Thornton, it is the finding of the court that the minor child would suffer neglect if returned to the home of Mr. Thornton.

It is therefore the order of the Court that [the minor child] be placed now in the permanent custody of the Court and that the parental rights of John Thornton be terminated. Additional efforts for reunification of [the minor child] with Mr. Thornton shall not be made. It is further the finding of this Court that termination of Mr. Thornton's parental rights are in the best interests of [the minor child].

Subsequently, the trial court entered an order terminating Thornton's parental rights to the minor child. On appeal, Thornton argues that the trial court's order should be reversed because the trial court failed to sufficiently state on the record its findings of fact and conclusions of law regarding the best interests of the minor child.

II. Best Interests Of The Child

A. Standard Of Review

Whether the trial court's statement of its findings of fact and conclusions of law complied with MCR 3.977(H) is a question of law that we review de novo.²

² *In re TC*, 251 Mich App 368, 370; 650 NW2d 698 (2002).

B. Adequacy Of Factual Findings

Thornton's sole argument on appeal is that the trial court's order terminating his parental rights should be reversed because the trial court failed to sufficiently state on the record its findings of fact and conclusions of law regarding the best interests of the minor child. Thornton made a plea of admission to the allegations in the petition and offered no evidence that termination was contrary to the minor child's best interests. Therefore, the best interests determination was not a contested matter and the trial court's findings are clearly sufficient under MCR 3.977(H). Furthermore, it is clear that the trial court's best interests determination was made on the basis of its earlier findings regarding Thornton's abuse and neglect of the minor child. Findings of fact are sufficient if "it appears that the trial court was aware of the issues in the case and correctly applied the law, and where appellate review would not be facilitated by requiring further explanation."³ The trial court's findings clearly met this standard. Therefore, no error occurred.

Affirmed.

/s/ Michael J. Talbot
/s/ William C. Whitbeck
/s/ Kathleen Jansen

³ *Triple E Produce Corp v Mastronardi Produce, Ltd*, 209 Mich App 165, 176-177; 530 NW2d 772 (1995).